

UNITED STATES DISTRICT COURT
DISTRICT OF MARYLAND

JUDY JIEN, et al.,

Plaintiffs,

v.

PERDUE FARMS, INC., et al.,

Defendants.

C.A. No. 1:19-CV-2521-SAG

**JOINT INTERIM MOTION FOR
LEAVE TO FILE UNDER SEAL JOINT
LETTER ON CUSTODIANS AND
OBJECTIONS TO RULE 34
REQUESTS AND EXHIBITS**

Pursuant to Local Rules 104.13 and 105.11 and Paragraph 10 of the Stipulated Protective and Clawback Order in place in this case, *see* ECF No. 450, Plaintiffs and Defendants (collectively, the “Parties”) hereby move the Court for leave to file under seal an unredacted version of the Joint Letter on Custodians and Objections to Rule 34 Requests, as well as the following Exhibits accompanying that letter: PX005, PX006, PX007, PX008, PX010, and PX011. The referenced exhibits were produced by the Parties in the context of this litigation and were designated by the producing party as “CONFIDENTIAL” or “HIGHLY CONFIDENTIAL” pursuant to the Stipulated Protective and Clawback Order. *See id.* The Joint Letter discusses and summarizes those exhibits. Under the Protective Order, “any Protected Material (or any pleading, motion, or memorandum disclosing them) . . . or any portion thereof which discloses Protected Material, shall be filed under seal,” “[e]ven if the filing party believes that the materials subject to the Order are not properly classified as Protected Material.” *Id.* The Parties request permission to file these documents under seal in accordance with that order to maintain the confidentiality requested by the producing parties. The Parties will also file a separate copy of the Joint Letter incorporating more tailored redactions of the passages in the letter that disclose Protected Material within 14 days of the filing of this motion.

For the foregoing reasons, the Parties request that permission to file these documents under seal be granted.

Dated: August 19, 2021

Respectfully submitted,

/s/ Brent W. Johnson

Daniel A. Small (D. Md. Bar # 20279)
Benjamin D. Brown (admitted *pro hac vice*)
Brent W. Johnson (admitted *pro hac vice*)
Daniel H. Silverman (admitted *pro hac vice*)
Alison S. Deich (admitted *pro hac vice*)
Louis Katz (admitted *pro hac vice*)
COHEN MILSTEIN SELLERS & TOLL
PLLC
1100 New York Avenue NW
5th Floor
Washington, DC 20005
Telephone: (202) 408-4600
Fax: (202) 408-4699
dsmall@cohenmilstein.com
bbrown@cohenmilstein.com
bjohnson@cohenmilstein.com
dsilverman@cohenmilstein.com
adeich@cohenmilstein.com
lkatz@cohenmilstein.com

Steven W. Berman (admitted *pro hac vice*)
Breanna Van Engelen (admitted *pro hac vice*)
HAGENS BERMAN SOBOL SHAPIRO
LLP
1301 Second Avenue, Suite 2000
Seattle, Washington 98101
Tel: (206) 623-7292
steve@hbsslw.com
breannav@hbsslw.com

Shana E. Scarlett (admitted *pro hac vice*)
Rio R. Pierce (admitted *pro hac vice*)
HAGENS BERMAN SOBOL SHAPIRO
LLP
715 Hearst Avenue, Suite 202
Berkeley, CA 94710

/s/ Julia E. McEvoy

Julia E. McEvoy (admitted *pro hac vice*)
Christopher N. Thatch (Bar No. 29097)
JONES DAY
51 Louisiana Avenue, N.W.
Washington, D.C. 20001-2113
(202) 879-3867
jmcevoy@jonesday.com
cnthatch@jonesday.com

Faris Rashid (admitted *pro hac vice*)
Davida S. Williams (admitted *pro hac vice*)
GREENE ESPEL PLLP
222 South Ninth Street, Suite 2200
Minneapolis, MN 55402
(612) 373-0830
khibbard@greeneespel.com

*Attorneys for Defendant Cargill Meat
Solutions Corporation*

/s/ Steven F. Barley

Steven F. Barley (Bar No. 10049)
HOGAN LOVELLS US LLP
100 International Drive,
Baltimore, MD 21202
Tel: (410) 659-2700
Fax: (410) 659-2701
Steve.barley@hoganlovells.com

William L. Monts III (admitted *pro hac vice*)
Justin W. Bernick (admitted *pro hac vice*)
HOGAN LOVELLS US LLP
555 Thirteenth Street, N.W.
Washington, D.C. 20004
Tel: (202) 637-5600

Tel: (510) 725-3000
shanas@hbsslaw.com
riop@hbsslaw.com

Elaine T. Byszewski (*pro hac vice*
forthcoming)
HAGENS BERMAN SOBOL SHAPIRO
LLP
301 North Lake Avenue, Suite 920
Pasadena, CA 91101
Tel: (213) 330-7150
elaine@hbsslaw.com

Matthew K. Handley (D. Md. Bar # 18636)
Rachel E. Nadas (admitted *pro hac vice*)
HANDLEY FARAH & ANDERSON PLLC
777 6th Street, NW, Eleventh Floor
Washington, DC 20001
Telephone: (202) 559-2433
mhandley@hfajustice.com
rnadas@hfajustice.com

George F. Farah (admitted *pro hac vice*)
Rebecca P. Chang (admitted *pro hac vice*)
HANDLEY FARAH & ANDERSON PLLC
81 Prospect Street
Brooklyn, NY 11201
Telephone: (212) 477-8090
gfarah@hfajustice.com
rchang@hfajustice.com

William H. Anderson (admitted *pro hac vice*)
HANDLEY FARAH & ANDERSON PLLC
4730 Table Mesa Drive
Suite G-200
Boulder, CO 80305
Telephone: (202) 559-2433
wanderson@hfajustice.com

*Co-Lead Counsel for Plaintiffs and the
Proposed Class*

Brian D. Clark (admitted *pro hac vice*)
Stephen J. Teti (admitted *pro hac vice*)
LOCKRIDGE GRINDAL NAUEN P.L.L.P.
100 Washington Avenue South, Suite 2200

Fax: (202) 637-5910
William.monts@hoganlovells.com
Justin.bernack@hoganlovells.com

Attorneys for Defendant Agri Stats, Inc.

/s/ David B. Hamilton
David B. Hamilton (Bar No. 04308)
Hillary V. Colonna (Bar No. 19704)
WOMBLE BOND DICKINSON (US) LLP
100 Light Street, 26th Floor
Baltimore, MD 21202
Tel: (410) 545-5850
Fax: (410) 545-5801
David.Hamilton@wbd-us.com
Hillary.Colonna@wbd-us.com

Hayden J. Silver III (admitted *pro hac vice*)
Jonathon D. Townsend (admitted *pro hac*
vice)
WOMBLE BOND DICKINSON (US) LLP
555 Fayetteville Street, Suite 1100
Raleigh, NC 27601
Tel: (919) 755-2188
Fax: (919) 755-7099
Jay.Silver@wbd-us.com
Jonathon.Townsend@wbd-us.com

Attorneys for Defendant Butterball, LLC

/s/ Brian D. Frey
Brian D. Frey (Bar No. 17592)
ALSTON & BIRD LLP
The Atlantic Building 950 F Street, N.W.
Washington, D.C. 20004
Tel: (202) 239-3067
Fax: (202) 239-3333
Brian.Frey@alston.com

B. Parker Miller (admitted *pro hac vice*)
Valarie Williams (admitted *pro hac vice*)
Raechel J. Bimmerle (admitted *pro hac vice*)
ALSTON & BIRD LLP
1201 West Peachtree St.

Minneapolis, MN 55401
Tel: (612) 339-6900
Fax: (612) 339-0981
bdclark@locklaw.com
steti@locklaw.com

Candice J. Enders (admitted *pro hac vice*)
Julia R. McGrath (admitted *pro hac vice*)
BERGER MONTAGUE PC
1818 Market St., Suite 3600
Philadelphia, PA 19103
Tel: (215) 875-3000
Fax: (215)-875-4604
cenders@bm.net
jmcgrath@bm.net

*Additional Counsel for Plaintiffs and the
Proposed Class*

Atlanta, GA 30309
Tel: (404) 881-7000
Fax: (404) 881-7777
Parker.Miller@alston.com
Valarie.Williams@alston.com
Raechel.Bimmerle@alston.com

*Attorneys for Defendant Fieldale Farms
Corporation*

/s/ Steven K. White
Steven K. White (Bar No. 04274)
STINSON LLP
1775 Pennsylvania Avenue, N.W., Suite 800
Washington, D.C. 20006
Tel: (202) 785-91000
Fax: (202) 572-9963
Steven.white@stinson.com

William L. Greene (admitted *pro hac vice*)
Peter J. Schwingler (admitted *pro hac vice*)
Jon M. Woodruff (admitted *pro hac vice*)
STINSON LLP
50 South Sixth Street, Suite 2600
Minneapolis, MN 55402
Tel: (612) 335-1500
Fax: (612) 335-1657
William.greene@stinson.com
Peter.schwingler@stinson.com
Jon.woodruff@stinson.com

J. Nicci Warr (admitted *pro hac vice*)
STINSON LLP
7700 Forsyth Blvd., Suite 1100
St. Louis, MO 63105
Tel: (314) 259-4570
Nicci.warr@stinson.com

Lauren T. Fleming (admitted *pro hac vice*)
STINSON LLP
1201 Walnut St., Suite 2900
Kansas City, MO 64105
Tel: (816) 842-8600
Lauren.fleming@stinson.com

Gary V. Weeks (admitted *pro hac vice*)

K.C. Dupps Tucker (admitted *pro hac vice*)
Kristy E. Boehler (admitted *pro hac vice*)
THE LAW GROUP OF NW. ARKANSAS
LLP
1830 Shelby Lane
Fayetteville, AR 72704
Tel: (479) 316-3760
Gary.weeks@lawgroupnwa.com
Kc.tucker@lawgroupnwa.com
Kristy.boehler@lawgroupnwa.com

*Attorneys for Defendants George's, Inc. and
George's Foods, LLC*

/s/ Jonathan H. Todt
Jonathan H. Todt (Bar No. 07166)
FAEGRE DRINKER BIDDLE & REATH
LLP
1500 K Street, N.W., Suite 1100
Washington, D.C. 20005-1209
Tel: (202) 230-5823
Fax: (202) 842-8465
Jonathan.todt@faegredrinker.com

Richard A. Duncan (admitted *pro hac vice*)
Craig S. Coleman (admitted *pro hac vice*)
Emily E. Chow (admitted *pro hac vice*)
Isaac B. Hall (admitted *pro hac vice*)
FAEGRE DRINKER BIDDLE & REATH
LLP
2200 Wells Fargo Center
90 South Seventh Street
Minneapolis, MN 55402-3901
Tel: (612) 766-7000
Fax: (612) 766-1600
Richard.duncan@faegredrinker.com
Craig.coleman@faegredrinker.com
Emily.chow@faegredrinker.com
Isaac.hall@faegredrinker.com

Christopher A. Kreuder (admitted *pro hac
vice*)
FAEGRE DRINKER BIDDLE & REATH
LLP
801 Grand Avenue, 33rd Floor
Des Moines, IA 50309

Tel: (515) 248-4733
Fax: (515) 248-9010
Christopher.kreuder@faegredrinker.com

*Attorneys for Defendant Jennie-O Turkey
Store, Inc.*

/s/ James E. Edwards, Jr.

James E. Edwards, Jr. (MDB No. 02360)
Ty Kelly Cronin (MDB No. 27166)
BAKER, DONELSON, BEARMAN,
CALDWELL & BERKOWITZ, PC
100 Light Street
Baltimore, MD 21202
Tel: (410) 685-1120
Fax: (410) 547-0699
jedwards@bakerdonelson.com
tykelly@bakerdonelson.com

Pro hac vice:

John G. Calender (DCB No. 939124)
BAKER, DONELSON, BEARMAN,
CALDWELL & BERKOWITZ, PC
901 K Street, N.W., Suite 900
Washington, D.C. 20001
Tel: (202) 508-3474
Fax: (202) 220-2274
jcalendar@bakerdonelson.com

Scott W. Pedigo (MSB No. 10735)
Amy L. Champagne (MSB No. 102447)
BAKER, DONELSON, BEARMAN,
CALDWELL & BERKOWITZ, PC
Mailing: P.O. Box 14167
Jackson, Mississippi 39236-4167
Physical: One Eastover Center
100 Vision Drive, Suite 400
Jackson, Mississippi 39211
Tel: (601) 351-2400
Fax: (601) 251-2424
spedigo@bakerdonelson.com
achampagne@bakerdonelson.com

Russell W. Gray (TNB No. 16120)
BAKER, DONELSON, BEARMAN,
CALDWELL & BERKOWITZ, PC

1800 Republic Centre
633 Chestnut Street
Chattanooga, Tennessee 37450-1801
Tel: (423) 209-4218
Fax: (423) 752-9563
rgray@bakerdonelson.com

Attorneys for Defendant Koch Foods, Inc.

/s/ J. Douglas Baldridge
J. Douglas Baldridge (Bar No. 11023)
Lisa Jose Fales (Bar No. 08141)
Danielle R. Foley (Bar No. 21113)
Andrew T. Hernacki (Bar No. 21107)
VENABLE LLP
600 Massachusetts Ave, N.W.
Washington, DC 20001
Tel: (202) 344-4000
jbaldridge@venable.com
ljfales@venable.com
drfoley@venable.com
athernacki@venable.com

*Attorneys for Defendants Perdue Farms, Inc.
and Perdue Foods, LLC*

/s/ Kristin A. Knapp
Kristin A. Knapp (Bar No. 21169)
SIDLEY AUSTIN LLP
1501 K Street, N.W. #600
Washington, D.C. 20005
Tel: (202) 736-8219
Fax: (202) 736-8711
kknapp@sidley.com

Colleen M. Kenney (admitted *pro hac vice*)
SIDLEY AUSTIN LLP
One South Dearborn
Chicago, IL 60603
Tel: (312) 853-4166
Fax: (312) 853-7036
ckenney@sidley.com

John W. Treece (admitted *pro hac vice*)
1135 West Montana St.
Chicago, IL 60614

Tel: (312) 961-7808
jtreece@jwtreece.com

Amanda Wofford (admitted *pro hac vice*)
Bourgon Reynolds (admitted *pro hac vice*)
ROSE LAW FIRM
A Professional Association
120 East Fourth Street
Little Rock, Arkansas 72201
Tel: (501) 375-9131
Fax: (501) 375-1309
awofford@roselawfirm.com
breynolds@roselawfirm.com

*Attorneys for Defendant Mountaire Farms
Inc.*

/s/ Daniel E. Laytin
Daniel E. Laytin, P.C. (admitted *pro hac vice*)
Christa C. Cottrell, P.C. (admitted *pro hac
vice*)
KIRKLAND & ELLIS LLP
300 North LaSalle Street
Chicago, IL 60654
Tel: (312) 862-2000
dlaytin@kirkland.com
ccottrell@kirkland.com

Joseph W. Hovermill (Bar No. 22446)
Alexander P. Creticos (Bar No. 30199)
Miles & Stockbridge P.C.
100 Light Street
Baltimore, Maryland 21202
Tel: (410) 385-3442
Fax: (410) 385-3700
jhovermill@milsstockbridge.com
acreticos@milsstockbridge.com

*Attorneys for Defendant Sanderson Farms,
Inc.*

/s/ Cary Silverman
Cary Silverman (Bar No. 15137)
SHOOK HARDY & BACON LLP
1880 K Street, N.W., Suite 1000
Washington, D.C. 20006

Tel: (202) 783-8400
Fax: (202) 783-4211
csilverman@shb.com

Lynn H. Murray (admitted *pro hac vice*)
SHOOK HARDY & BACON LLP
111 S. Wacker Drive, Suite 4700
Chicago, IL 60606
Tel: (312) 704-7700
Fax: (312) 558-1195
lhmurray@shb.com

Laurie A. Novion (admitted *pro hac vice*)
SHOOK HARDY & BACON LLP
2555 Grand Blvd.
Kansas City, MO 64108
Tel: (816) 474-6550
Fax: (816) 421-5547
lnovion@shb.com

John R. Elrod (admitted *pro hac vice*)
Vicki Bronson (admitted *pro hac vice*)
CONNER & WINTERS
4375 N. Vantage Drive, Suite 405
Fayetteville, AR 72703
Tel: (479) 582-5711
jelrod@cwlaw.com
vbronson@cwlaw.com

Attorneys for Defendant Simmons Foods, Inc.

/s/ Eric Pelletier
Eric Pelletier (Bar No. 12716)
OFFIT KURMAN, P.A.
4800 Montgomery Lane, 9th Floor
Bethesda, Maryland 20814
Tel: (240) 507-1739
Fax: (240) 507-1735
epelletier@offitkurman.com

John F. Terzaken
Abram J. Ellis
Elizabeth H. French
SIMPSON THACHER & BARTLETT LLP
900 G Street, N.W.
Washington, D.C. 20001

Tel: (202) 636-5500
Fax: (202) 636-5502

*Attorneys for Defendants Tyson Foods, Inc.
and Keystone Foods, LLC*

/s/ Christopher E. Ondeck

Christopher E. Ondeck
Stephen R. Rhuk
Rucha A. Desai
PROSKAUER ROSE LLP
1011 Pennsylvania Ave., N.W.
Suite 600 South
Washington, D.C. 20004
Tel: (202) 416-6800
Fax: (202) 416-689
condeck@proskauer.com
schuk@proskauer.com
rdesai@proskauer.com

Attorneys for Defendant Wayne Farms LLC

/s/ Gerard P. Martin

Gerard P. Martin (Bar No. 00691)
Jeffrey M. Lichtstein (Bar No. 20731)
ROSENBERG MARTIN GREENBERG,
LLP
25 S. Charles Street, 21st Floor
Baltimore, Maryland 21201
Tel: (410) 727-6600
Fax: (410) 727-1115
gmartin@rosenbergmartin.com
jlichtstein@rosenbergmartin.com

*Attorneys for Defendant Webber, Meng, Sahl
and Company*

/s/ Edward J. Baines

Edward J. Baines (USDC Bar No. 06776)
Geoffrey M. Gamble (USDC Bar No. 28919)
Gregory L. Waterworth (USDC Bar No.
20938)
SAUL EWING ARNSTEIN & LEHR LLP
500 E. Pratt Street, 8th Floor
Baltimore, MD 21202-3133
Tel: (410) 332-8600

Fax: (410) 332-8862
Ted.baines@saul.com
Geoff.gamble@saul.com
Greg.waterworth@saul.com

Patrick Fitzgerald (admitted *pro hac vice*)
SKADDEN, ARPS, SLATE, MEAGHER &
FLOM LLP
144 N. Wacker Drive
Chicago, IL 60606
Tel: (312) 407-0700
Fax: (312) 407-0411
Patrick.fitzgerald@skadden.com

Boris Bershteyn (admitted *pro hac vice*)
Lara Flath (admitted *pro hac vice*)
Sam Auld (admitted *pro hac vice*)
SKADDEN, ARPS, SLATE, MEAGHER &
FLOM LLP
One Manhattan West
New York, NY 10001
Tel: (212) 735-3000
Fax: (212) 735-2000
Boris.bershteyn@skadden.com
Lara.flath@skadden.com
Sam.auld@skadden.com

Attorneys for Defendant Peco Foods, Inc.

CERTIFICATE OF SERVICE

I hereby certify that on August 19, 2021, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will send notice to counsel for all parties that have appeared in this case.

/s/ Brent W. Johnson